

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number: _____

Meeting Type: Regular

Meeting Date: Jun 26, 2014

Action Requested By: Public Works

Agenda Type: Resolution

Subject Matter:

Modification No. 2 to Agreement with J. C. Cheek Contractors, Inc.

Exact Wording for the Agenda:

Resolution authorizing the Mayor to modify the agreement with J. C. Cheek Contractors, Inc. for Periodic Bid for Traffic Striping and Marking-2012, Project No. 65-12-SP33, by Modification No. 2

12-629 & 13-572

Note: If amendment, Please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what council action will provide, allow and accomplish and; any other information that might be helpful.

Contract modification to renew the agreement between the City of Huntsville and J. C. Cheek Contractors, Inc. for Periodic Bid for Traffic Striping and Marking-2012 approved by Resolution No. 12-629 and renewed by Resolution No. 13-572 for an additional one (1) year period at the current NTE amount. Account Numbers will be assigned individually as work orders are delivered to the Contractor.

Associated Cost: \$200,265.00

Budgeted Item: _____

MAYOR RECOMMENDS OR CONCURS: _____

Department Head: Terry Hatfield C.H.

Date: 6-16-14

ROUTING SLIP CONTRACTS AND AGREEMENTS

Originating Department: **Public Works**

Council Meeting Date: **6/26/2014**

Department Contact: **Terry Hatfield**

Phone # **256-883-3778**

Contract or Agreement: **Modification No. 2**

Document Name: **JC Cheek-Traffic Striping Periodic-Project No. 65-12-SP33**

City Obligation Amount: **\$200,265.00**

Total Project Budget: **\$200,265.00**

Uncommitted Account Balance: **0**

Account Number: Account numbers will be assigned individually as work orders are delivered to the Contractor.

Procurement Agreements

Title 39

Competitive

Grant-Funded Agreements

**Not
Applicable**

Grant Name:

Department	Signature	Date
1) Originating	<i>Terry Hatfield</i>	<i>6-16-14</i>
2) Legal	<i>[Signature]</i>	<i>6.16.14</i>
3) Finance <i>EC</i>	<i>[Signature]</i>	<i>6/17/14</i>
4) Originating		
5) Copy Distribution		
a. Mayor's office (1 copies)		
b. Clerk-Treasurer (Original & 2 copies)		

RESOLUTION NO. 14-

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor be, and is hereby authorized to enter into Modification No. 2 to the Agreement with J. C. Cheek Contractors, Inc., adopted and approved on the 26th day of July, 2012, by the City Council of the City of Huntsville, Alabama by Resolution No. 12-629, and amended on the 25th day of July, 2013, by the City Council of the City of Huntsville, Alabama by Resolution No. 13-572, as attached hereto.

BE IT FURTHER RESOLVED that the periodic contract is extended for an additional one (1) year period with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount. New contract expiration date: July 26, 2015. Agreement is substantially in words and figures similar to that document attached hereto and identified as "Modification No. 2 to Agreement between City of Huntsville and J. C. Cheek Contractors, Inc. for Periodic Bid for Traffic Striping and Marking-2012, Project No. 65-12-SP33, as adopted by Resolution No. 12-629 of July 26, 2012, and amended by Resolution No. 13-572 of July 25, 2013" consisting of a total of four (4) pages including Exhibit "A" and the date of June 26, 2014, appearing on the margin of the first page, together with the signature of the President or President Pro Tem of the City Council, and an executed copy of said document being permanently kept on file in the Office of the City Clerk of the City of Huntsville, Alabama.

ADOPTED this the 26th day of June, 2014.

President of the City Council of
the City of Huntsville, Alabama

APPROVED this the 26th day of June, 2014.

Mayor of the City of Huntsville,
Alabama

STATE OF ALABAMA)
COUNTY OF MADISON)

Modification No. 2 to Agreement between
the City of Huntsville and J. C. Cheek
Contractors, Inc. for Periodic Bid for Traffic
Striping and Marking-2012, Project No. 65-
12-SP33, as adopted by Resolution No. 12-
629 of July 26, 2012, and amended by
Resolution No. 13-572 of July 25, 2013

THIS IS MODIFICATION NO. 2 TO AN AGREEMENT entered in on the 26th day of July, 2012, in the amount of TWO HUNDRED THOUSAND TWO HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$200,265.00). The original Agreement is hereby amended by Modification No. 2 dated June 26, 2014, for the renewal of an additional one (1) year period, by and between the City of Huntsville, Alabama, a municipal corporation in the State of Alabama (Owner) and J. C. CHEEK CONTRACTORS, INC., (CONTRACTOR).

WITNESSETH

WHEREAS, the firm identified as the CONTRACTOR to the Agreement dated July 26, 2012, has proposed a change to the Original Agreement. This modification delineates a change to extend the contract for an additional one (1) year period at the same NTE amount as the initial year of TWO HUNDRED THOUSAND TWO HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$200,265.00) per Paragraphs 1 and 2 on Page 2 of Attachment B of the original contract which was adopted by Resolution No. 12-629 of July 26, 2012.

NOW THEREFORE, in consideration of the mutual covenants set forth herein, the Owner and the CONTRACTOR agree to the following modifications to the agreement:

1. J. C. Cheek Contractors, Inc. will provide for renewal of contract for an additional one (1) year with services provided on an as-needed basis with up to the Not-to-Exceed (NTE) Amount of TWO HUNDRED THOUSAND TWO HUNDRED SIXTY-FIVE AND NO/100 DOLLARS (\$200,265.00).
2. Item #1 shall be performed in accordance with the original agreement dated July 26, 2012, and approved by the City Council by Resolution No. 12-629.

President of the City Council of the City of
Huntsville, AL

Date: June 26, 2014

3. The terms of this contract modification and the execution thereof is not in any way to be viewed as a waiver on the part of the Owner of any of its rights pursuant to the Contract.
4. All other terms and conditions remain unchanged.

IN WITNESS WHEREOF, the parties have entered their hands and seals and attest to the same with the signature of the Mayor being the official act of the said municipality in accordance with his duly constituted authority.

THE CITY OF HUNTSVILLE, ALABAMA,
a municipal corporation

By: _____
Tommy Battle
Its Mayor

ATTEST:

Charles E. Hagood
City Clerk-Treasurer

STATE OF ALABAMA)
COUNTY OF MADISON)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Tommy Battle and Charles E. Hagood, whose names as Mayor and City Clerk-Treasurer of the City of Huntsville, a municipal corporation, are signed to the foregoing instrument, and who are known to me, acknowledged before me on this day that, being informed of the contents of the instrument, they, in their capacity as such officers, executed the same with full authority for and as the act of said corporation on the day the same bears day.

GIVEN under my hand and official seal this the _____ day of _____ 2014.

Notary Public
My Commission Expires: _____

CONTRACTOR: J. C. CHEEK CONTRACTORS, INC.

By: 
Hollis Cheek, President

ATTEST:


Emma Ivester, Secretary/Treasurer

STATE OF MISSISSIPPI)
COUNTY OF ATTALA)

I, the undersigned, a notary public in and for said County, in said State, hereby certify that Hollis Cheek as President, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, in his capacity as such officer, executed the same with full authority for and as the act of said Corporation on the day the same bears day.

GIVEN under my hand and official seal this the 17th day of June 2014.




Notary Public

My Commission Expires: Sept. 9, 2016



HUNTSVILLE

Kathy Martin, P.E.
Director
City Engineer

Urban Development Department
Engineering Division

June 4, 2014

J. C. Cheek Contractors, Inc.
P. O. Box 1138
Kosciusko, MS 39090

ATTN: Hollis Cheek

**RE: Periodic Bid for Traffic Striping & Marking-2012
Project No. 65-12-SP33**

Dear Mr. Cheek:

We are pleased to extend your contract in the above-referenced project for an additional (1) one-year period, at current pricing, beginning July 26, 2014 through July 26, 2015. Please acknowledge acceptance of same by your signature in the space provided at the end of this letter and return the letter to Penny Kelly, Engineering Contracts Coordinator.

As always, we look forward to working with you and appreciate the good work you do for the City of Huntsville.

Sincerely,

Kathy Martin, P.E.
Director of City Engineering

ACCEPTED BY: Hollis Cheek
President

SIGNATURE: 

DATE: June 12, 2014

The Star of Alabama